

S.N. 10/501,206

PATENT

REMARKS

Claims 1-19 are pending in this application. By this amendment, claims 1, 5 and 9 are amended; and claims 17-19 are added. In the previous action, claims 1-11 and 14-16 were rejected and claims 12 and 13 were objected to.

Applicant thanks Examiner for his indication of allowable subject matter with respect to claims 12 and 13. As described below, Applicant has addressed each rejection and objection and has added new claims 17-19, which depend directly from the aforementioned amended independent claims 1, 5, and 9, respectively, such that all pending claims are in appropriate condition for allowance. Applicant also thanks Examiner for extending Applicant the courtesy of an interview. The amendments provided above and the summary below incorporate the discussion with the Examiner such that Applicant submits that all of the claims are now in condition for allowance. Favorable reconsideration is respectfully requested in light of the amendments and the following Remarks.

1. The Office action rejected claims 1, 2, 4-7, 9 and 10 under 35 U.S.C. §102(b) over Kempshall (U.S. Patent No. 586,770, hereinafter "Kempshall"). In light of the amendments to the claims and the following remarks, the rejection is respectfully traversed.

By this Amendment, independent claims 1, 5 and 9 are amended to include the feature of the fastening portions being adapted to conform to a surface of the one of the workpieces beyond a perimeter of the hole.

Kempshall discloses an eyelet that includes a "tubular-shaped body *b* with an outwardly-extending flange *b'* and an opposite end preferably with a series of fingers *b<sup>2</sup>*." Kempshall, ll. 35-38. Kempshall both discloses and illustrates that the flange *b'* extends outwardly at what appears to be a 45° angle or the like such that the flange, beyond a perimeter of the eyelet, becomes embedded into the plastic material *f* and also the flange, beyond the perimeter of the eyelet, does not come into contact with the fabric *a*. Kempshall, Figures 1-4. Kempshall further discloses that "the clenched end of the eyelet is finished as its outer end." Kempshall, ll. 66-67 (see Fig. 4). "In the finished eyelet it will be seen that the body portion *b* is really formed with a flange at both ends, the flange *b'* at its upper end and the flange *b<sup>2</sup>* at its lower end." Kempshall, ll. 82-85. Thus, Kempshall teaches that the clenched end, just like the outer end, extends outwardly at what again appears to be a 45°

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angle or the like such that the so-called "fastening portions" of Kempshall, beyond the perimeter of the eyelet, become embedded into the plastic material *f* and, like the outer end, do not come into contact with the fabric *a*. While the corners of the so-called "fastening portions" may allegedly contact the eyelet inside or at the perimeter of the eyelet, Kempshall never discloses, teaches or suggests that the fastening portions may contact the fabric beyond the perimeter of the eyelet. In fact, Kempshall teaches that the fastening portions should not contact the fabric so that "the eyelet can be worn without the disadvantages or objections that exist where the brass portions of the eyelets are exposed to the action of the atmosphere or perspiration." Kempshall, II. 66-70. As Kempshall alleges to have application in corsets and gloves, Kempshall appears to attempt to address an alleged staining that might occur when the metal portion of the eyelet becomes exposed to perspiration or the like. To accomplish this, Kempshall, therefore, teaches to embed the fastening portions in plastic beyond the perimeter of the eyelet.

Moreover, as Kempshall teaches that the flanges *b'* and *b''* extend outwardly, the so-called "fastening-portion" of Kempshall can not physically contact the fabric *a* beyond a perimeter of the eyelet simply because the so-called "fastening-portions" extend-outwardly from within the eyelet (and therefore only contact the eyelet within the perimeter thereof.) A second bend would be required to bend the outwardly-extending flanges back towards the fabric *a*, which is not contemplated by Kempshall.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. *See MPEP §2131*. Among other things, there is no teaching or suggestion in Kempshall, or the other art of record, to provide a fastening portion adapted to conform to a surface of the one of the workpieces beyond a perimeter of the hole.

For at least this reason, claims 1, 5 and 9 are allowable over the applied art. Claims 2-4, 11, 14 and 17, which depend from claim 1; claims 6-8, 12, 15 and 18, which depend from claim 5; and claims 10, 13, 16 and 19, which depend from claim 9, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

2. The Office action rejected claims 3, 8, and 14-16 under 35 U.S.C. §103(a) over Kempshall. The rejection is respectfully traversed.

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As mentioned above, there is no mention in Kempshall of at least the feature of a fastening portion being adapted to conform to a surface of the one of the workpieces beyond a perimeter of the hole. For at least this reason, claims 3, 8 and 14-16 are allowable over the applied art. Withdrawal of the rejection is respectfully requested.

New dependent claims 17-19, which depend directly from claims 1, 5 and 9, respectively, merely further specify that the heatstake fastener may extend from another one of the (at least two) workpieces. Nowhere does Kempshall disclose, teach or suggest that a heatstake fastener may be used to fasten at least two workpieces. Further, nowhere does Kempshall disclose, teach or suggest that the heatstake fastener may include one of the workpieces. For at least these additional reasons, claims 17-19 are also allowable over the applied art.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 50-3145 in the name of Honigman Miller Schwartz and Cohn LLP.


Respectfully submitted,

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